

### **REMARKS**

The following claims are pending in the application: 1 – 3, and 5 - 20.

The following claims have been amended: 1, 14, 15 and 17.

The following claim was previously canceled: 4.

As a result of the foregoing Amendment, the following claims remain pending in the application: 1 – 3 and 5 – 20.

#### **The Rejection of the Claims Under 35 U.S.C. §103(a)**

The Examiner rejected claims 1-3, 5-10, 12-14, and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Shelton (U.S. Patent No. 5,345,501) in view of Lewis et al. (U.S. Patent No. 4,852,154). The Examiner rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Shelton (U.S. Patent No. 5,345,501) in view of Lewis et al. (U.S. Patent No. 4,852,154) and further in view of Hendricks et al (U.S. Patent No. 6,160,989). The Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Shelton (U.S. Patent No. 5,345,501) in view of Lewis et al. (U.S. Patent No. 4,852,154) and further in view of Stoel et al (U.S. Patent No. 5,905,942). Each of these rejections are respectfully traversed.

The Applicants have amended independent claims 1 and 17, and have distinguished the subject matter thereof from the teachings of Shelton and Hendricks et al. As the Applicants believe independent claim 1 to now recite allowable subject matter, claim 11, which depends therefrom, would also be allowable.

The Applicants have amended independent claim 14, and have distinguished the subject matter thereof from the teachings of Shelton and Lewis and Stoel. As the

Applicants believe independent claim 14 to now recite allowable subject matter, claim 15, which depends therefrom, would also be allowable. Claim 15 has also been amended to overcome an antecedent basis objection.

With each of the independent claims now amended to include the limitation that each event is associated with its own called number the claims are now believed to be in allowable form. The cited art taken in any combination does not render obvious the claims as they are now presented. None of the references teach or suggest the ordering of a cable television event using a switch and an automated voice response application in combination with the use of the calling number and the called number to identify the caller and the event and provide the event to the caller. Contrary to the Examiner's position as understood, Shelton does not teach that each event is associated with its own called number to identify an event for ordering. The claims now contain this limitation. Also, as the Examiner indicates, Shelton is a telephone based system and not a cable television based system. Lewis is a cable television based system but Lewis does not teach a voice response application in association with the switch. A voice response application has been and continues to be a part of each independent claim. With Lewis it does not appear that the caller is able to interact with a voice response system, but instead is left to hope that he dialed the right number. It would not have been obvious to combine a telephone based system with a cable system, and even if it would have been the result of a combination of the teachings of Shelton and Lewis would not produce the present invention for the reasons stated above.

**CONCLUSION**

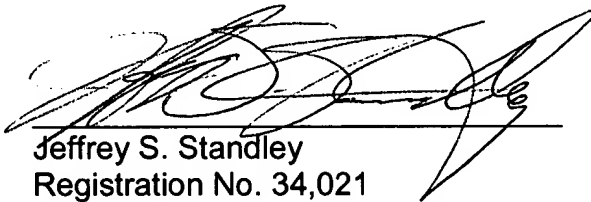
In view of the foregoing amendment and accompanying remarks, the Applicants respectfully submit that the present application is properly in condition for allowance and may be passed to issuance upon payment of the appropriate fees.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the subject application is respectfully encouraged.

Respectfully submitted,

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